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February 17, 2015

VIA ECF

Hon. Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square, Courtroom 1506
New York, New York 10007

**Re: Miriam Freier v. Vertical Capital, LLC, et al.,
Case No. 14-CV-9623 (RA)**

Dear Judge Abrams:

We represent Defendants Vertical Capital, LLC, Brett Graham, and Kem Blacker (collectively, "Defendants") in the above-referenced action. We write jointly with Plaintiff Miriam Freier concerning your Honor's December 11, 2014 Order requiring the parties to submit to the Court a joint letter, proposed case management plan and scheduling order by Friday, February 13, 2015 and scheduling an initial status conference this Friday, February 20, 2015 ("Order").

Defendants were served with the First Amended Complaint in this Action on December 19, 2014 and, accordingly, did not receive electronic notice of the Order. Defendants were not aware that the Order had been entered until today, and immediately brought the matter to Plaintiff's attention.

On January 9, 2015, Defendants filed a Motion to Compel Arbitration and Stay this Action, and for Attorneys' Fees and Costs (the "Motion"). On February 4, 2015, Plaintiff filed a Letter Memorandum and Proposed Order in Opposition to Defendants' Motion for Attorneys' Fees and Costs, however, consenting to the portion of Defendants' Motion to arbitrate this matter. On February 11, 2015, Defendants filed their Reply Memorandum of Law in Further Support of Their Motion to Compel Arbitration and Stay this Action, and for Attorneys' Fees and Costs. Consequently, the only remaining issue before the Court in this matter is Defendants' outstanding application for attorneys' fees and costs.

Accordingly, the parties respectfully jointly request that the Court adjourn the date to submit the joint letter, proposed case management plan and scheduling order, and adjourn

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Friday's initial status conference, *sine die*. A Proposed Order reflecting the foregoing is enclosed.

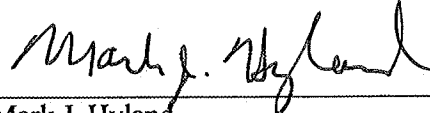
Respectfully submitted,



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Enclosure

SK 25217 0019 6386604 v2

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ECF CASE

-----X
MIRIAM FREIER,

Plaintiff,

— against —

VERTICAL CAPITAL, LLC; BRETT GRAHAM; and
KEM BLACKER,

Defendants.
-----X

Case No. 14-CV-9623 (RA)

ORDER

This matter having come before the Court on the joint application of the parties, through their attorneys, and the Court having considered the applicants' submission;

IT IS on this 17th day of February, 2015,

ORDERED that the date by which the parties shall submit to the Court a joint letter, proposed case management plan and scheduling order as set forth in the Court's December 11, 2014 Order and Notice of Initial Conference (Dkt. No. 3), and the date for the initial status conference in this matter, shall each be adjourned, *sine die*:

SO ORDERED:

Hon. Ronnie Abrams, U.S.D.J.